

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-11653

Dwight John

v.

Lois Russo

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-22

and contained in I & II Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/8/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on November 9, 2006.

Sarah A Thornton, Clerk of Court

By:

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 11/9/06

R Barchard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11653-WGY**

John v. Russo
Assigned to: Judge William G. Young
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 08/09/2005
Jury Demand: None
Nature of Suit: 540 Mandamus & Other
Jurisdiction: Federal Question

Petitioner

Dwight John

represented by **James W. Lawson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Edward Ficco
*Superintendent, Souza Baranowski
Correctional Facility*
TERMINATED: 09/16/2005

represented by **Daniel I. Smulow**
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
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ATTORNEY TO BE NOTICED

Respondent

Lois Russo
*Superintendent, Souza Baranowski
Correctional Facility*

represented by **Daniel I. Smulow**
(See above for address)
LEAD ATTORNEY
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/09/2005	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 \$ 5.00, receipt number 66143, filed by Dwight John. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Category Form)(Bell, Marie) (Entered: 08/11/2005)
08/09/2005	<u>2</u>	MEMORANDUM by Dwight John in Support of <u>1</u> Petition for writ of habeas corpus (28:2254). (Attachments: # <u>1</u> Part 2)(Bell, Marie) (Entered: 08/11/2005)
08/09/2005	<u>3</u>	APPENDIX (Volume I) re <u>1</u> Petition for writ of habeas corpus (28:2254) by Dwight John. (Bell, Marie) (Entered: 08/11/2005)
08/09/2005	<u>4</u>	APPENDIX (Volume II) re <u>1</u> Petition for writ of habeas corpus (28:2254) by Dwight John. (Bell, Marie) (Entered: 08/11/2005)
08/09/2005	<u>5</u>	APPENDIX (Volume III) re <u>1</u> Petition for writ of habeas corpus (28:2254) by Dwight John. (Bell, Marie) (Entered: 08/11/2005)
08/09/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Sorokin. (Bell, Marie) (Entered: 08/11/2005)
08/22/2005	<u>6</u>	Judge William G. Young : SERVICE ORDER entered re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Bell, Marie) (Entered: 08/22/2005)
08/31/2005		Return receipt received for mail sent to Lois Russo Delivered on 8/24/05 (Bell, Marie) (Entered: 08/31/2005)
08/31/2005		Mail Returned as Undeliverable. Mail sent to Edward Ficco. NOT KNOWN. (Bell, Marie) (Entered: 08/31/2005)
08/31/2005		Return receipt received for mail sent to Cathryn A. Neaves Delivered on 8/23/05 (Bell, Marie) (Entered: 08/31/2005)
09/09/2005	<u>7</u>	RESPONSE/ANSWER to <i>Federal Habeas Corpus Petition</i> by Edward Ficco. (Smulow, Daniel) (Entered: 09/09/2005)
09/09/2005	<u>8</u>	MOTION to Substitute Party <i>Lois Russo for Edward Ficco</i> by Edward Ficco.(Smulow, Daniel) (Entered: 09/09/2005)
09/09/2005	<u>9</u>	MOTION for Order to Set Briefing Schedule for Respondent by Edward Ficco.(Smulow, Daniel) (Entered: 09/09/2005)
09/12/2005	<u>10</u>	SUPPLEMENTAL ANSWER to Complaint by Edward Ficco.(Bell, Marie) (Entered: 09/13/2005)
09/16/2005		Judge William G. Young : Electronic ORDER entered granting <u>8</u> Motion

		to Substitute Party. Edward Ficco terminated. Granting 9 Motion for Order to Set Briefing Schedule. BRIEF DUE OCTOBER 19, 2005. cc/cl. (Bell, Marie) (Entered: 09/16/2005)
10/18/2005	<u>11</u>	MEMORANDUM OF LAW by Lois Russo to 2 Memorandum of Law. (Smulow, Daniel) (Entered: 10/18/2005)
10/19/2005	<u>12</u>	Objection to 1 Petition for writ of habeas corpus (28:2254) by Lois Russo. (Smulow, Daniel) (Entered: 10/19/2005)
10/19/2005		● Notice of correction to docket made by Court staff. Correction: Document #11-Memorandum of Law corrected because: Electronically Filed Incorrectly. Attorney refiled Correct Document - Opposition to Petition - Document #12. (Bell, Marie) (Entered: 10/19/2005)
10/25/2005	<u>13</u>	RESPONSE/ANSWER to <i>Respondent's Memorandum in Opposition to Habeas Petition</i> 11 Memorandum of Law by Dwight John. (Lawson, James) (Entered: 10/25/2005)
10/28/2005		● NOTICE of Hearing:Hearing on Petition set for WED. 12/14/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 10/28/2005)
12/14/2005		● ElectronicClerk's Notes for proceedings held before Judge William G. Young : Hearing re Petition for Writ of Habeas Corpus held on 12/14/2005. After hearing the Court takes the matter UNDER ADVISEMENT. Further briefs are to be filed by 1/13/06. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 12/15/2005)
12/15/2005	<u>14</u>	Judge William G. Young : MEMORANDUM AND ORDER entered. (Bell, Marie) (Entered: 12/15/2005)
01/13/2006	<u>15</u>	MEMORANDUM OF LAW by Dwight John to 1 Petition for writ of habeas corpus (28:2254), 14 Memorandum & ORDER. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D)(Lawson, James) (Entered: 01/13/2006)
01/17/2006	<u>16</u>	MOTION for Extension of Time to January 17, 2006 to File <i>Supplemental Memorandum</i> by Lois Russo.(Smulow, Daniel) (Entered: 01/17/2006)
01/17/2006	<u>17</u>	Objection by Lois Russo <i>Supplemental Memorandum Regarding Evidentiary History of September 23, 2000 Letter</i> . (Smulow, Daniel) (Entered: 01/17/2006)
01/18/2006	<u>18</u>	CERTIFICATE OF SERVICE by Dwight John re 15 Memorandum of Law <i>Petitioner's Supplemental Brief in Support of His Habeas Petition</i> . (Lawson, James) (Entered: 01/18/2006)
01/18/2006		● Judge William G. Young : Electronic ORDER entered granting 16 Motion for Extension of Time to January 17, 2006 to File Supplemental Memorandum. (Paine, Matthew) (Entered: 01/19/2006)
06/13/2006	<u>19</u>	NOTICE of Appearance by David M. Lieber on behalf of Lois Russo

		(Lieber, David) (Entered: 06/13/2006)
10/13/2006	<u>20</u>	Judge William G. Young : ORDER entered. MEMORANDUM AND ORDER: "John's Petition Under 28 U.S.C 2254 for Writ of Habeas Corpus Doc. No. <u>1</u> is DENIED."(Paine, Matthew) (Entered: 10/13/2006)
10/13/2006	●	***Civil Case Terminated*** (Paine, Matthew) (Entered: 10/13/2006)
10/18/2006	<u>21</u>	MOTION for Reconsideration re <u>20</u> Memorandum & ORDER or <i>Alternatively Request for Certificate of Appealability</i> by Dwight John. (Lawson, James) (Entered: 10/18/2006)
10/19/2006	●	Judge William G. Young : Electronic ORDER entered re <u>21</u> MOTION for Reconsideration re <u>20</u> Memorandum & ORDER or Alternatively Request for Certificate of Appealability. "The Motion for Reconsideration is DENIED. A Certificate of Appealability Shall Issue as to the Matter Raised Herein." (Paine, Matthew) (Entered: 10/19/2006)
11/08/2006	<u>22</u>	NOTICE OF APPEAL as to <u>20</u> Memorandum & ORDER by Dwight John. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/28/2006. (Lawson, James) (Entered: 11/08/2006)